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Attorneys for Plaintiff,
JOSE MENDEZ and ADRIANA SANCHEZ

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOSE MENDEZ; CATALINA
BUENAYENTE; ADRIANA SANCHEZ,

Plaintiffs,

v.

SANDPIPER FARMS, LLC; DANIEL
SCHMIDA; GREGORIO HUICHAPA;
DOLORES GONZALES; EFRAIN
GARCIA and DOES 1 through 25,
inclusive,

Defendants.

CASE NO. C06 07735 JW RS

STIPULATION AND ORDER

This stipulation is entered into between all of the parties to this lawsuit, to wit:

A. JOSE MENDEZ, ADRIANA SANCHEZ and CATALINA BUENAYENTE (hereinafter

1 “Plaintiffs”) by and through their attorney, Charles Swanston;

2 B. SANDPIPER FARMS, LLC, DANIEL SCHMIDA, GREGORIO HUICHAPA and
3 DOLORES GONZALES (hereinafter “Defendants”) by and through their attorney, James W.
4 Sullivan.

5 The parties’ stipulation is entered into in light of the following facts and circumstances:

- 6 1. On December 18, 2006 plaintiffs filed their initial complaint against defendants.
7 On May 17, 2007, plaintiffs file a first amended complaint.
- 8 2. On May 30, 2007 defendants filed a motion to dismiss under Rule 12(b).
- 9 3. On October 3, 2007, the court gave its order regarding the motion to dismiss and
10 granted defendants motion in parts and granted plaintiff leave to file a second
11 amended complaint by October 23, 2007.
- 12 4. On October 23, 2007, plaintiffs e-filed their second amended complaint pursuant to
13 Magistrate Richard Seeborg’s order of October 3, 2007.
- 14 5. On October 23, 2007, shortly after filing their second amended complaint, plaintiffs
15 e-filed a third amended complaint omitting the eleventh cause of action, under the
16 California Private Attorney Generals Act, Labor Code Section 2698 et seq., which
17 plaintiffs inadvertently failed to remove from their second amended complaint.
- 18 6. On October 23, 2007 plaintiffs and defendants entered into a settlement and agreed
19 that defendants would stipulate to permit filing of plaintiffs third amended
20 complaint omitting the eleventh cause of action, under the California Private
21 Attorney Generals Act, Labor Code Section 2698 et seq.

22 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

- 23 1. Defendants consent to the plaintiffs filing of a third amended complaint
24 omitting the eleventh cause of action, under the California Private Attorney
25
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27
28

Generals Act, Labor Code Section 2698 et seq.

Dated: October 25, 2007

FITZPATRICK, SPINI & SWANSTON

By:

CHARLES SWANSTON, ESQ.

Attorneys for Plaintiffs,

JOSE MENDEZ, CATALINA

BUENAYENTE, ADRIANA SANCHEZ

Dated:

10-26-2007

CALIFORNIA RURAL LEGAL
ASSISTANCE

By:

JONATHAN GETTLEMAN

Attorneys for Plaintiffs,

JOSE MENDEZ and ADRIANA SANCHEZ

Dated:

10-29-2007

LOMBARDO & GILLES

By:

JAMES W. SULLIVAN, ESQ.

Attorneys for Defendants,

SANDPIPER FARMS, LLC, DANIEL

SCHMIDA; GREGORIO HUICHAPA,

DOLORES GONZALES

ORDER

IT IS HEREBY ORDERED that plaintiffs are granted leave to file their third amended complaint, which the court acknowledges was e-filed by plaintiffs on October 23, 2007 and a copy of which was received in chambers, and said third amended complaint is accepted for filing as of October 23, 2007.

Dated: October 30, 2007


MAGISTRATE RICHARD SEEBORG JUDGE
OF THE UNITED STATES NORTHERN
DISTRICT COURT